

MEMORANDUM REGARDING INVOLUNTARY PETITION

This form has been designed in a box format similar to that of Form 1. See Instruction notes to Form 1.

The allegations required under § 303 are grouped together, and a separate section has been provided for additional allegations based upon the prohibitions and requirements set forth in Rule 1003(a) concerning transfer of claims by petitioning creditors. Petitioners may wish to supplement the allegations set forth in the form with a further statement of facts. Additional information concerning any allegation can be requested by the debtor as part of the discovery process.

Each petitioning creditor, by signing on the line provided, signs both the petition and the unsworn declaration which 28 U.S.C. § 1746 permits instead of verification. The addresses as well as the names of individuals signing the petition in a representative capacity are required, together with disclosure of which petitioner is represented by each signatory.

This form is intended to be used in every involuntary case including that of a partnership. Pursuant to § 303 (b)(3)(A) of the Code, a petition by fewer than all of the general partners seeking an order for relief with respect to the partnership is treated as an involuntary petition. Such a petition is adversarial in character because not all of the partners are joining in the petition.

Section 303 (b)(3)(B) permits a petition against the partnership if relief has been ordered under the Code with respect to all of the general partners. In that event, the petition may be filed by a general partner, a trustee of a general partner's estate, or a creditor of the partnership. This form may be adapted for use in that type of case.

28 U.S.C. § 1408 (1) specifies the proper venue alternatives for all persons, including partnerships, as domicile, residence, principal place of business, or location of principal assets. Venue also may be based on a pending case commenced by an affiliate, general partner, or partnership pursuant to 28 U.S.C. § 1408 (2). Both options are set forth in the block labeled "Venue."

28 U.S.C. § 1746 permits the unsworn declaration instead of a verification.

United States Bankruptcy Court Eastern District of Virginia Division		INVOLUNTARY PETITION	
IN RE (Name of debtor - if individual, enter: Last, First, Middle)		ALL OTHER NAMES used by debtor in the last 6 years (include married, maiden, and trade names)	
SOCIAL SECURITY / TAX ID NO. (If more than one, state all)			
STREET ADDRESS OF DEBTOR (No and street, city, state, zip code)		Mailing Address of Debtor (if different from street address)	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS </div>			
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (if different from previously listed addresses)			
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED (Check applicable box)			
<div style="display: flex; justify-content: space-around;"> Chapter 7 Chapter 11 </div>			
<p style="text-align: center;">INFORMATION REGARDING DEBTOR (Check applicable boxes)</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Petitioners believe</p> <p>Debts are primarily consumer debts</p> <p>Debts are primarily business debts (Complete sections A and B)</p> </div> <div style="width: 50%;"> <p style="text-align: center;">TYPE OF DEBTOR</p> <div style="display: flex; justify-content: space-between;"> Individual Corporation Publicly Held </div> <div style="display: flex; justify-content: space-between;"> Partnership Corporation Not Publicly Held </div> <p>Other _____</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p style="text-align: center;">A. TYPE OF BUSINESS (Check one)</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;">Professional</div> <div style="width: 33%;">Transportation</div> <div style="width: 33%;">Commodity Broker</div> <div style="width: 33%;">Retail/Wholesale</div> <div style="width: 33%;">Manufacturing/Mining</div> <div style="width: 33%;">Construction</div> <div style="width: 33%;">Railroad</div> <div style="width: 33%;">Real Estate</div> <div style="width: 33%;">Stockbroker</div> <div style="width: 33%;">Other</div> </div> </div> <div style="width: 50%;"> <p style="text-align: center;">B. BRIEFLY DESCRIBE NATURE OF BUSINESS</p> </div> </div>			
VENUE			
<p>Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.</p> <p>A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.</p>			
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets)			
Name of Debtor	Case Number	Date	
Relationship	District	Judge	
<p style="text-align: center;">ALLEGATIONS (Check applicable boxes)</p> <p>1. Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b)</p> <p>2. The debtor is a person against whom an order for relief may be entered under Title 11 of the United States Code</p> <p>3.a. The debtor is generally not paying debts as they become due, unless such debts are the subject of a bona fide dispute;</p> <p style="text-align: center;">or</p> <p>b. Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.</p>		COURT USE ONLY	

Name of Debtor _____

Case No. _____

(Court use only)

TRANSFER OF CLAIM

Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of Title 11, United States Code, specified in this petition.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct to the best of their knowledge, information, and belief.

X _____
Signature of Petitioner or Representative (State title)

Name of Petitioner

Name & Mailing Address _____
of Individual Signing in
Representative Capacity _____

X _____
Signature of Attorney

Name of Attorney Firm (if any)

Address

Telephone No.

X _____
Signature of Petitioner or Representative (State title)

Name of Petitioner

Name & Mailing Address _____
of Individual Signing in
Representative Capacity _____

X _____
Signature of Attorney

Name of Attorney Firm (if any)

Address

Telephone No.

X _____
Signature of Petitioner or Representative (State title)

Name of Petitioner

Name & Mailing Address _____
of Individual Signing in
Representative Capacity _____

X _____
Signature of Attorney

Name of Attorney Firm (if any)

Address

Telephone No.

PETITIONING CREDITORS

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, petitioner(s) signatures under the statement and the name(s) of attorney(s) and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims

_____ continuation sheets attached